

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled FORM BRACING TIE BRACKET FOR MODULAR INSULATING CONCRETE FORM SYSTEM AND FORM USING THE SAME, the specification of which is attached hereto.

This application is related to our pending United States Patents, applications number \_\_\_\_\_ and \_\_\_\_\_, filed concurrently herewith on August 20, 2001.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s): NONE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and national or PCT international filing date of this application:

Prior United States Application(s): NONE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**POWER OF ATTORNEY:** As the named inventor, I hereby appoint the following Agent to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

David L. Banner  
Registration No. 39,898

Send Correspondence to: David L. Banner  
PO Box 2607  
Fairfax, VA 22031

Direct Telephone calls to: David L. Banner  
(703) 370-6282

Full name of sole inventor: DONALD L. SCHMIDT

Inventor's signature: Donald L. Schmidt Date: 08-20-01

Residence: 425 Second Avenue, S.W., Cronoco, MN 55960  
Post Office Address: Same  
Citizenship: United States of America

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.9(f) and 1.27(b)] - INDEPENDENT INVENTORS**

As the below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under sections 41(a) and (b) of Title 35, United States Code to the United States Patent and Trademark Office with regard to the invention entitled:

**FORM BRACING THE BRACKET FOR MODULAR INSULATING  
CONCRETE FORM SYSTEM AND FORM USING THE SAME**

described in

- ☒ the specification filed herewith  
☐ application serial number \_\_\_\_\_ filed \_\_\_\_\_  
☐ patent number \_\_\_\_\_ (issued) \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights to this invention is listed below:

- ☒ no such person or organization  
☐ persons, concerns or organizations listed below

Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
( ☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization )

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
( ☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization )

I acknowledge the duty to file, in this application or parent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Full name of sole inventor: DONALD L. SCHMIDT

Inventor's signature: Donald L. Schmidt

Date: 08-20-01